

1 CABINET FOR HEALTH AND FAMILY SERVICES

2 Department for Public Health [~~Commission for Children with Special Health Care~~
3 ~~Needs~~]

4 Division of Adult and Child Health Improvements [~~Health and Development Division~~]
5 (Emergency Amendment)

6 911 KAR 2:150E. Kentucky Early Intervention Program personnel qualifications.

7 RELATES TO: 20 USC 1471-1485

8 STATUTORY AUTHORITY: Executive Order 2004-444, KRS 194A.050,
9 200.650-676

10 NECESSITY, FUNCTION, AND CONFORMITY: Executive Order 2004-444,
11 effective May 11, 2004, reorganized the Cabinet for Health and Family Services and
12 placed the Department for Public Health under the Cabinet for Health and Family
13 Services. The Cabinet [~~for Health Services~~] is directed by KRS 200.650 to 200.676 to
14 administer all funds appropriated to implement provisions, to enter into contracts with
15 service providers, and to promulgate administrative regulations. This administrative
16 regulation sets forth the provisions of personnel qualifications as they relate to First
17 Steps, Kentucky's Early Intervention Program.

18 Section 1. Personnel. (1) Minimal qualifications for professionals or disciplines
19 providing services in First Steps shall be:

20 (a) An audiologist shall have in accordance with KRS 334A.030:

21 1. A master's degree; and

2. A certificate and license from the Kentucky Board of Speech-Language Pathology and Audiology.

(b) A family therapist shall have in accordance with KRS 335.300:

1. A master's degree; and

2. A certificate from the Kentucky Board of Certification of Marriage and Family Therapist.

(c) A developmental interventionist shall have in accordance with KRS 161.028:

1. A bachelor's degree; and

2. An interdisciplinary early childhood education certificate (IECE) by Kentucky Education Professional Standards Board, Division of Certification; or

3. Be working toward the IECE certificate by:

a. Being enrolled in an approved preparation program in IECE at a university or college; or

b. Having an individual professional development plan approved by the Department for Public Health [~~Commission for Children with Special Health Care Needs (CCSHCN)~~] for developing the skills in the teacher performance standards for IECE as stated in 704 KAR 20:084, Section 9; or

4. Hold a valid out-of-state certificate for the teacher of children ages' birth to three years [~~infants~~] with disabilities.

(d) A nurse shall have in accordance with KRS 314.041:

1. An associate degree or diploma from a registered program; and

2. A license from the Kentucky Board of Nursing.

1 (e) A nutritionist shall have in accordance with KRS 310.031:

2 1. A master's degree; and

3 2. A certificate from the Kentucky Board of Licensure and Certification for
4 Dietitians and Nutritionist.

5 (f) A dietitian shall have in accordance with KRS 310.021:

6 1. A bachelor's degree; and

7 2. A license from the Kentucky Board of Licensure and Certification for Dietitians
8 and Nutritionist.

9 (g) An occupational therapist shall have in accordance with KRS 319A.130:

10 1. A bachelor's degree; and

11 2. A certificate and license from the Kentucky Occupational Therapy Board.

12 (h) An orientation and mobility (O and M) specialist shall have in accordance
13 KRS 161.020 and with the Division of Exceptional Children Services, Kentucky
14 Department of Education a bachelor's degree in Special Education with emphasis on
15 visual impairment and O and M, KRS 161.020.

16 (i) A physician shall have in accordance with KRS 311.571:

17 1. A doctor of medicine degree or doctor of osteopathy degree; and

18 2. A license from the Kentucky Board of Medical Licensure.

19 (j) A physical therapist shall have in accordance with KRS 327.020:

20 1. Bachelor's degree; and

21 2. A license from the Kentucky Board of Physical Therapy.

22 (k) A psychologist shall have in accordance with KRS 319.032:

23 1. A doctoral degree; and

2. A license from Kentucky Board of Examiners of Psychology.

(l) A certified psychologist with autonomous functioning or psychological
associate shall have in accordance with KRS 319.056-064:

1. A master's degree; and

2. A certificate from the Kentucky Board of Examiners of Psychology.

(m) A social worker shall have in accordance with KRS 335.090:

1. A bachelor's degree; and

2. A license from the State Board of Examiners of Social Work of Kentucky.

(n) A speech-language pathologist shall have in accordance with KRS 334A.050:

1. A master's degree; and

2. A ~~certificate and~~ license from the Kentucky Board of Speech-Language
Pathology and Audiology; or

3. An interim license from the Kentucky Board of Speech-Language Pathology
and Audiology and be under the supervision of a currently enrolled First Steps Speech
Pathology provider.

(o) A teacher of children who are deaf and hard of hearing shall have in
accordance with KRS 161.030:

1. A bachelor's degree; and

2. A provisional certificate for teaching the deaf and hard of hearing, K-12 issued
by the Kentucky Education Professional Standards Board, Division of Certification.

(p) A teacher of the visually impaired shall have in accordance with KRS 161.020-
030:

1. A bachelor's degree; and

2. A certificate for teaching of the visually impaired, K-12 issued by the Kentucky Education Professional Standards Board, Division of Certification.

(2) The qualification for paraprofessionals providing early interventions services shall be:

(a) A developmental associate shall have:

1. An associate degree in the area of early childhood; or

2. A child development associate certificate for infant and toddlers caregiver or home visitor; or

3. A postsecondary vocational education diploma in child development or child care; or

4. Be employed in the developmental associate role in an approved program by October 1, 1997, and have a high school diploma or GED and be working toward one (1) of the qualifications stated in subparagraphs 1, 2, and 3 of this paragraph by:

a. Be enrolled in an approved program granting one (1) of the above stated qualifications; or

b. Have an individual professional development plan approved by the Department for Public Health [CCSHCN] for developing the skills necessary to acquire one (1) of the above stated qualifications; and

5. Be indirectly supervised by a developmental interventionist.

(b) A developmental assistant shall have:

1. A high school diploma; or

2. A GED; and

1 3. Be directly supervised by a developmental interventionist or developmental
2 associate.

3 (c) A certified occupational therapy assistant shall have in accordance with KRS
4 319A.110:

5 1. An OTA degree; and

6 2. A certificate and license from the Kentucky Occupational Therapy Board.

7 (d) A physical therapy assistant shall have in accordance with KRS 327.040(12):

8 1. An associate degree in physical therapy assistance; and

9 2. A license from the Kentucky Board of Physical Therapy.

10 ~~[(e) A speech-language pathology assistant shall have in accordance with KRS~~
11 ~~334A.030:~~

12 ~~1. A bachelor's degree; and~~

13 ~~2. A license from the Kentucky Board of Speech-Language Pathology and~~
14 ~~Audiology.]~~

15 (e) ~~[(f)]~~ A licensed practical nurse shall have in accordance with KRS 314.051:

16 1. A high school diploma or a GED;

17 2. Have completed a state approved LPN education program; and

18 3. A license from the Kentucky Board of Nursing.

19 (3) The qualifications for recognized service positions providing services in First
20 Steps shall be:

21 (a) An initial service coordinator shall be approved by the cabinet based on the
22 following qualifications:

1 1. Meeting minimum highest entry-level requirement for one (1) of the
2 professions delineated in this administrative regulation; or

3 2. Have a bachelor's degree and the equivalency of two (2) years' experience in
4 working with young children ages birth through five (5) years in a position in which the
5 following skills and competencies have been demonstrated:

6 a. Communication skills in interviewing, negotiating and mediating, and providing
7 informal support;

8 b. Problem-solving by finding and utilizing services and resources, resolving
9 conflicts, integrating services using formal and informal channels, and enabling families
10 to use problem-solving;

11 c. Organization by maintaining accurate data collection and resource information,
12 exhibiting flexibility in scheduling, and developing plans; and

13 d. Collaboration and leadership through developing relationships with families,
14 enabling families to develop their decision-making skills, and establishing collaborative
15 relationships with service providers.

16 (b) A primary service coordinator shall be approved by the cabinet based on the
17 following qualifications:

18 1. Meeting minimum highest entry-level requirements for one (1) of the
19 professions delineated in this administrative regulation; or

20 2. Meeting requirements for one (1) of the paraprofessionals delineated in this
21 administrative regulation; or

22 3. Have a bachelor's degree and the equivalency of two (2) years' experience in

1 working with young children ages birth through five (5) years in a position in which the
2 following skills and competencies have been demonstrated:

3 a. Communication skills in interviewing, negotiating and mediating, and providing
4 informal support;

5 b. Problem-solving: finding and utilizing services and resources, resolving
6 conflicts, integrating services using formal and informal channels, and enabling families
7 to use problem-solving;

8 c. Organization by maintaining accurate data collection and resource information,
9 exhibiting flexibility in scheduling, and developing plans; and

10 d. Collaboration and leadership through developing relationships with families,
11 enabling families to develop their decision-making skills, and establishing collaborative
12 relationships with service providers.

13 (c) A developmental evaluator shall be approved by the cabinet by:

14 1. Meeting minimum highest entry-level requirements for one (1) of the
15 professionals delineated in this administrative regulation; and

16 a. Having a bachelor's degree in a related field; and

17 b. Having two (2) years experience working directly with young children birth
18 through two (2) years of age, including children with disabilities or atypical development;
19 and

20 2. Having had one (1) year of experience in using standardized instruments and
21 procedures to evaluate infants and toddlers birth through two (2) years of age,
22 completed as part of formal training or in supervised practice, or completes a

mentorship during the first year of providing services in First Steps as approved by the cabinet.

(d) An assistive technology specialist shall be approved by the cabinet based on the following qualifications:

1. Meeting minimum highest entry-level requirements for one (1) of the professions delineated in this administrative regulation;

2. Having extensive knowledge, training, and experience in the field of assistive technologies for infants and toddlers with disabilities; or

3. Meeting the qualifications in subparagraph 2 of this paragraph and be employed by an agency that currently provides assistive technology services in First Steps, and be approved by the cabinet.

(e) A respite provider shall:

1. Meet all license, regulations, and other requirements applicable to the setting in which respite is provided;

Be approved by the individualized family service planning team.

Section 2. Field Experiences – Intervention implemented by a student. (1)
Students may provide therapeutic intervention under the direct supervision of Personnel as found in 911 KAR 2:150, Section 1.

911 KAR 2:150E. Kentucky Early Intervention Program personnel qualifications.

REVIEWED:

Nick Z. Kafoglis, M.D., Chairman Public Health Advisory Council	Date
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Rice C. Leach, M.D., Commissioner Department for Public Health	Date
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Dr. Duane Kilty Undersecretary for Administration and Fiscal Affairs	Date
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APPROVED:

James W. Holsinger, Jr., M.D. Secretary	
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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: 911 KAR 2:150E
Cabinet for Health and Family Services
Agency: Department for Public Health
Contact person: Steve Davis, M. D. 502/564-2154

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This regulation allows the Cabinet of Health and Family Services, Department of Public Health, Division of Adult and Child Health Improvements to transition to the administration of the First Steps program from the Commission for Children of Special Health Care Need to the Department for Public Health by supporting quality personal standards that will initiate cost savings and containment.
- (b) The necessity of this administrative regulation: KRS 200.650-675 requires the Cabinet for Health and Family Services to administer all funds appropriated to implement provisions, to enter into contracts with service providers, and to promulgate administrative regulations. This administrative regulation sets forth the provisions of personnel qualifications as they relate to First Steps, Kentucky's Early Intervention Program.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 200.650-675 meets the personnel standards required by the federal guidelines.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amendment keeps the Kentucky Early Intervention Program personnel qualifications for contracted service providers current and updated with higher quality and cost savings and containment.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation: Provides for the current year updating, under the direction of the new administration mentioned in the administrative order, issued on March 1, 2004, by Secretary Holsinger.
- (b) The necessity of the amendment to this administrative regulation: Without this amendment, the plan is out of date and out of enforcement, and not expressive of the new administration's requirements.
- (c) How the amendment conforms to the content of the authorizing statutes: This amendment carries out the intent and provisions of the authorizing statutes.
- (d) How the amendment will assist in the effective administration of the statutes: With the amendment the statutes can be enforced and the newly assigned administration will be able to initiate cost savings and containment.

- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: over ten thousand children who have developmental delays or disabilities and their families (approximately fifteen thousand family members), 600 enrolled providers, encompassing 2000 individuals serving citizens birth through two with developmental delays and/or disabilities and their families, and other community agencies who collaborate with Kentucky's Early Intervention Program (First Steps).
- (4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: These groups will be impacted by the changes in this regulation with positive clarification of existing regulatory language and strengthening standards causing an increase in the performance and the quality of personnel, which will improve the services to the Kentucky children with developmental delays and disabilities.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: None, but will initiate a cost savings.
 - (b) On a continuing basis: None, but will secure cost containment.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: None
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: None
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None
- (9) TIERING: Is tiering applied? (Explain why tiering was or was not used)
Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.